

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARTIN V. ELLIOTT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 16-CV-787-JPS
Criminal Case No. 07-CR-319-JPS

ORDER

On June 22, 2016, Petitioner Martin V. Elliott (“Elliott”) filed a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. (Docket #1). In June 2016, the Court determined that the matter should be stayed pending resolution of several relevant appeals before the Seventh Circuit relating to the effect of *Johnson v. United States*, 135 S. Ct. 2551 (2015), on the motion. (Docket #2). During the pendency of the stay, Elliott filed a notice of voluntary dismissal. (Docket #3). Because the motion has not been screened and Respondent has not been served, the Court will adopt that notice of dismissal. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

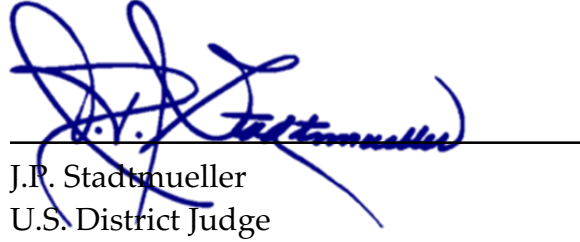
Accordingly,

IT IS ORDERED that the stay in this matter be and the same is hereby **LIFTED**;

IT IS FURTHER ORDERED that Petitioner’s notice of voluntary dismissal (Docket #3) be and the same is hereby **ADOPTED**; this action be and the same is hereby **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 21st day of August, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge